

of NPDES permits to federal agencies and instrumentalities. As a result of amendments in the Clean Water Act of 1977 (CWA) this restriction has been eliminated. The DEQ has applied for a modification of EPA's approval of the State of Oregon permitting authority to include the issuance of NPDES permits to federal agencies and instrumentalities. In addition, certain changes in the Memorandum of Agreement between the Director of DEQ and the Regional Administrator of EPA, which was approved as part of the previous program authorization, have been proposed. The most significant changes in the Memorandum of Agreement involve procedures for EPA review of proposed NPDES permits for certain classes and categories of dischargers, and procedures for coordination of DEQ and EPA compliance monitoring and enforcement activities.

2. REQUIREMENTS OF THE CLEAN WATER ACT RELATING TO REQUESTS FOR NPDES PERMITTING AUTHORITY

Section 402(b) of the Clean Water Act, 33 USC § 1342(b), provides that a state agency applying for authority to conduct an NPDES program must have authority to issue permits which assure compliance with certain other sections of the Clean Water Act, which meet certain requirements concerning surveillance and monitoring of waste water discharges, and which insure that the public receives notice of each application for a permit. In addition, the state agency must have the authority to abate violations of the permit of the permit program, including civil and criminal penalties and other methods of enforcement, and to assure that any industrial user of any publicly owned treatment works will comply with certain sections of the Act. A complete description of such requirements is contained in Section 402(b) of the CWA, 33 USC § 1342(b), and in Title 40, Code of Federal Regulations, Part 124.

3. PUBLIC COMMENTS

By this Notice the Environmental Protection Agency invites written public comment on DEQ's request for approval of its authority to conduct a NPDES permitting program for federal agencies and instrumentalities and on proposed changes to the Memorandum of Agreement. This comment period will end 30 days after the date of this Notice. EPA does not intend to hold a public hearing concerning this matter unless there appears to be sufficient public interest. DEQ's request and supporting documents can be inspected during regular business hours at the EPA Oregon Operations Office at 522 S.W., 5th Avenue, Portland, Oregon, and in the EPA Seattle Office (Water Compliance and Permits

Branch), at 1200 Sixth Avenue, Seattle, Washington. Any written comments concerning the potential approval of this modification of DEQ's NPDES permitting authority may be sent to the Water Compliance and Permits Branch at the EPA address above. All comments will be available for public inspection and copying.

4. FINAL DETERMINATION

A final determination and decision whether to approve DEQ's authority to issue NPDES permits for federal agencies and instrumentalities and to make changes in the Memorandum of Agreement, will be made by EPA's Administrator in Washington, D.C. All comments received concerning DEQ's request will be forwarded to the EPA Headquarters Office. The decision whether to approve or disapprove the proposed modification authority is expected no later than August 19, 1978.

Dated: June 9, 1978.

DONALD P. DUBOIS,
Regional Administrator,
Region X.

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[6560-01]

[FRL 910-31]

AQUIFERS UNDERLYING NASSAU AND SUFFOLK COUNTIES, NEW YORK

Determination

Notice is hereby given that pursuant to Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300f, 300h-3(e); 88 Stat. 1660 et seq.; Pub. L. 93-523) the Administrator of the Environmental Protection Agency has determined that the aquifer system underlying Nassau and Suffolk Counties, Long Island, New York, is the principal source of drinking water for these counties and that, if the aquifer system were contaminated, it would create a significant hazard to public health.

BACKGROUND

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424(e) of the Act states: "If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the FEDERAL REGISTER. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such

aquifer through a recharge zone so as to create a significant hazard to public health but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

On January 21, 1975, the Environmental Defense Fund petitioned the Administrator to designate the aquifers underlying Nassau and Suffolk Counties, Long Island, New York, as a sole source aquifer under the provisions of the Act. A notice of receipt of this petition, together with a request for comments, was published in the FEDERAL REGISTER, Thursday, June 12, 1975. Written comments were submitted by the Environmental Defense Fund (EDF) on August 7, 1975, supporting their petition. A letter from the Director of the Nassau-Suffolk Regional Planning Board, dated October 1, 1976, requested that designation be delayed until after the completion of the areawide waste management (208) planning process for Long Island.

Because of the limited response to the FEDERAL REGISTER notice, EPA issued a press release and mailed an information sheet to elected officials and environmental groups on Long Island in March 1977. In addition, a presentation was made to the Citizens Advisory Committee (CAC) of the 208 planning agency and to the executive committee of the Long Island Water Conference. In response to these activities EPA received three comments: a letter from EDF questioning why project review would exclude direct Federal projects, a letter from a member of the East Hampton Planning Board expressing support for the designation, and a letter from the CAC requesting that designation be delayed until after the completion and approval of the Long Island 208 plan.

In considering the comments received, we could not agree with the letters requesting further delay since we do not believe that the review process under Section 1424(e) will constrain the options of 208 planning.

On the basis of the information which is available to this Agency, the Administrator has made the following findings, which are the basis for the determination noted above:

(1) The aquifers underlying Nassau and Suffolk Counties are the sole or principal drinking water source for the area. They supply good quality water for about 2.5 million people. Current water supply treatment practice for public supplies is generally limited to disinfection for drinking purposes, with some plants capable of nitrate removal. There are also numerous private sources. There is no alternative source of drinking water supply which could economically replace this aquifer system.

(2) The aquifer system is vulnerable to contamination through its recharge zone. Since contamination of a ground-water aquifer can be difficult or impossible to reverse, contamination of the the aquifer system underlying Nassau and Suffolk Counties, New York, would pose a significant hazard to those people dependent on the aquifer system for drinking purposes.

Among the determinations which the Administrator must make in connection with the designation of an area under Section 1424(e) is that the area's sole or principal source aquifer or aquifers, "if contaminated, would create a significant hazard to public health * * *". Obviously, threats to the quality of the drinking water supply for such a large population could create a significant hazard to public health. The EPA does not construe this provision to require a determination that projects planned or likely to be constructed will in fact create such a hazard; it is sufficient to demonstrate that approximately 2.5 million people depend on the aquifer system underlying Nassau and Suffolk Counties as their principal source of drinking water, and that the aquifer system is vulnerable to contamination through its recharge zone.

Section 1424(e) of the Act requires that a Federal agency may not commit funds to a project which may contaminate the aquifer system through a recharge zone so as to create a significant hazard to public health. The recharge zone is that area through which water enters into the aquifer system. Because of groundwater movement within these aquifers, the recharge zone is considered to be the entire area of Nassau and Suffolk Counties. However, both horizontal and vertical boundaries of the recharge zone are discussed in the background document under the section entitled "Area of Consideration."

The data upon which these findings are based are available to the public and may be inspected during normal business hours at the office of the Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007. It includes a support document for designation of the aquifers underlying Nassau and Suffolk Counties, New York, and maps of the area within which projects will be subject to review.

A copy of the above documentation is also available at the U.S. Waterside Mall, Environmental Protection Agency, Public Information and Reference Unit, Room 2922, 401 M Street S.W., Washington, D.C. 20460.

The EPA has issued proposed regulations for the selective review of Federal financially assisted projects which may contaminate the aquifer system underlying Nassau and Suffolk Counties, New York, through the recharge

zone so as to create a significant hazard to public health. These proposed regulations were published in the FEDERAL REGISTER issue of September 29, 1977, and public comments were requested. They will be used as interim guidance for project review until their promulgation during 1978.

EPA, Region II, is working with the Federal agencies which may in the near future fund projects in the area of concern to EPA to develop inter-agency procedures whereby EPA will be notified of proposed commitments for projects which could contaminate the bicoounty area's sole source aquifer system. Although the project review process cannot be delegated, the Regional Administrator in Region II will rely to the maximum extent possible upon any existing or future State and local control mechanisms in protecting the ground-water quality of the aquifer system underlying Nassau and Suffolk Counties, New York. Included in the review of any Federal financially assisted project will be coordination with the State and local agencies. Their determinations will be given full consideration and the Federal review process will function so as to complement and support State and local mechanisms.

Dated: June 12, 1978.

DOUGLAS M. COSTLE,
Administrator.

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[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 78-149]

COMPILATION OF A LIST OF "GRANDFATHERED" PBX AND KEY TELEPHONE SYSTEMS

AGENCY: Federal Communications Commission.

ACTION: Issuance of an initial list of "grandfather"-eligible PBX and Key telephone equipment.

SUMMARY: Under rules in Part 68 of the FCC's Rules which became effective June 1, 1978, Private Branch Exchange (PBX) and key telephone systems of the same design as such systems as were directly connected to the nationwide telephone network as of October 17, 1977 are eligible for "grandfathered" treatment, and may be connected to the telephone network up to July 1, 1979 without FCC registration in accordance with these rules. An initial list of such systems, by generic system designation, is issued herein to aid in resolution of disputes as to the eligibility of particular systems for "grandfathered" treatment. Additions and corrections to this initial list are solicited.

DATES: Proposed additions and corrections must be received on or before July 25, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau (202-632-9342).

In the matter of compilation of a list of "grandfathered" PBX and key telephone systems to implement the Commission's Third Report and Order in Docket No. 19528, and Part 68 of the Commission's Rules and Regulations (43 FR 21937, May 22, 1978). CC Docket No. 78-149.

ORDER AND LIST

Adopted: June 12, 1978.

Released: June 16, 1978.

By the Chief, Common Carrier Bureau:

1. In an order released May 11, 1978, CC-681, the Chief, Common Carrier Bureau directed AT&T and the larger Independent telephone companies to submit lists of all PBX and key telephone systems directly connected with the nationwide telephone network in their respective service areas as of October 17, 1977, to establish an initial list of such systems as eligible for "grandfathered" treatment under Part 68 of the FCC's Rules. The purpose of this list is not to determine eligibility for "grandfathered" treatment. This eligibility is determined by whether or not the equipment in fact was connected to the telephone network as of October 17, 1977, and not whether or not it appears on the list. The purpose of the list is to aid the Commission and the industry in resolving any disputes which may arise as to eligibility.¹

2. The attached list has been compiled by generic system designations, and not by specific identification of individual components which form these systems, to minimize administrative burdens to all affected parties. For that reason, to make the use of the list effective and to minimize to the extent feasible potential disputes between customers and telephone companies, the list should be interpreted and used as follows.

¹It may properly be assumed that equipment which appears on the list is eligible for "grandfathered" treatment. Equipment which does not appear on the list may or may not be eligible for "grandfathered" treatment. The staff will add new equipments to the master list maintained at the FCC's offices as their eligibility is identified. Moreover, the public is being given 30 days from release of this list to propose additions thereto, and if necessary an updated version of this list will then be published.